



2020 South Dakota Legislature

House Bill 1155

*Introduced by: **Representative** Frye-Mueller*

1 **An Act to exempt certain retirement funds from division of property in a divorce.**

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 **Section 1.** That § 25-4-44 be AMENDED:

4 **25-4-44. Division of property between parties.**

5 When a divorce is granted, the courts may make an equitable division of the
 6 property belonging to either or both, whether the title to ~~such~~the property is in the name
 7 of the husband or the wife. In making ~~such~~the division of the property, the court shall
 8 have regard for equity and the circumstances of the parties. For purposes of this section,
 9 property does not include any retirement funds that were acquired before the marriage
 10 and held individually during the marriage in a fund or account exempt from taxation under
 11 the Internal Revenue Code.